REMARKS

[0003]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-31 are presently pending. Claims amended herein are: 1, 3, 4, 10, 13, 14, 19.

Statement of Substance of Interview

[0004]   The Examiner graciously talked with me—the undersigned representative for the Applicant – on March 15, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0005]   During the interview, I discussed how the claims differed from the cited references, namely Hotti and Baisley. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0006]   The Examiner was receptive to the proposals, and I understood the Examiner to indicate that the proposed clarifying claim amendments appeared to distinguish the claims over the cited references. As an example, the Examiner indicated that clarification regarding "Automatically determining" and in particular, clarification of what sort of group an item is being selected from would distinguish the independent claims over the cited references, namely Hotti and Baisley. In addition, the Examiner agreed that a clarification of the term *union* in the independent claims to explicitly refer to its meaning as a Set Theory union as described in the specification would distinguish the independent claims over the cited references. However, the Examiner indicated that she would need to review

the cited references more carefully and do another search, and requested that the proposed amendments be presented in writing.

[0007]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0008]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0009]   Please contact me or my assistant to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for us, I welcome your call to either of us as well. Our contact information may be found on the last page of this response.

Claim Amendments

[0010]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 3, 4, 10, 13, 14, and 19 herein. Amendments to claims 1, 3, 4, 10, 13, 14, 19 clarify terms used in previously presented claims using clarifying terms from the previously presented specification. The term *union* is clarified to be a Set Theory union. It is also clarified that the determination of a set of

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scripts is from a set of scripts, some of which are for implementing alternate versions of the database.

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Substantive Matters

Claim Rejections under §112 2nd ¶

[0011]   Claims 3 and 4 are rejected under 35 U.S.C. §112, 2nd ¶. In light of the amendments presented herein, Applicant submits that these rejections are moot. Accordingly, Applicant asks the Examiner to withdraw these rejections.

Claim Rejections under § 103

[0012]   The Examiner rejects claims 1-6, 8, 10-20, and 23-31 under §103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0013]   Accordingly, Applicant respectfully requests that the §103 rejections be withdrawn and the case be passed along to issuance.

[0014]   The Examiner's rejections are based upon the following references:

- **Hotti:** *Hotti, et al.,* US Patent No. 6,970,876 (issued August 31, 2004);
- **Baisley:** *Baisley, et al.,* US Patent No. 6,415,299 (issued August 31, 2007).

Cited References

[0015]   The Examiner cites Hotti as the primary reference in the obviousness-based rejections.   The Examiner cites Baisley as the secondary reference in the obviousness-based rejections.

Hotti

[0016]   Hotti describes a technology for the synchronized propagation of changes to distributed database systems.

Baisley

[0017]   Baisley describes a technology for merging source code in a source code repository.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0018] Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Hotti

[0019] The Examiner rejects claims 1-6, 8, 10-20, and 23-31 under 35 U.S.C. § 103(a) as being unpatentable over Hotti in view of Baisley. Applicant respectfully traverses the rejection of these claims and asks the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 13, 20, 23, 29

[0020] The Examiner indicates (Action, p. 4) the following passage from Baisley (col. 2 line 14) discloses the union of a first and second set per set theory. Applicant respectfully disagrees and asserts that the term *union* disclosed by Baisley is not referring to a Set Theory union as recited in claims 1, 13, 20, 23, 29. Baisley's *union* is a merging of one list into another while filtering out duplicates, not a Set Theory union.

[0021] Applicant claims a "union by set theory". Set Theory relates to mathematical operations that can be done upon sets based upon ridged logical operators. A description of Set Theory can be found at the following references:

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- Stanford Encyclopedia of Philosophy (http://plato.stanford.edu/entries/set-theory/primer.html);

- "Introduction to Set Theory," Third Edition, by Karel Hrbacek and Thomas Jech, published by Marcel Dekker, Inc., New York 1999.

[0022]   The preference of one set over another set by the user is not disclosed as a function of Set Theory in these references. Therefore, Baisley's disclosed "preference" of one list over the other and "adding" one list to the other cannot be done via Set Theory. Finally, As Baisley's "preference" and "adding" are incompatible with Set Theory, his use of the term *union* at line 19 of column 2 cannot refer to a Set Theory union as recited in claims 1, 13, 20, 23, and 29of the instant application.

[0023]   The Examiner indicates (Action, p. 4) that, in the same passage (col. 2 line 14), Baisley discloses the "generating of an installation file." Applicant respectfully disagrees. Baisley discloses the combining of two program source code files into a new single program source code file that is the result of the merging of the original two. Applicant claims the creation of an "installation file" made up of multiple installation scripts. Baisley's merged source code file is a merging of text into a single text file. The claimed installation file is a collection of independent scripts combined into a single executable framework. These two concepts cannot be equated. Therefore, Baisley does not disclose "generating an installation file" as recited by claims 1, 13, 20, 23, and 29.

[0024]   As shown above, the combination of Hottie and Baisley does not disclose all of the claimed elements and features of these claims. Accordingly, Applicant asks the Examiner to withdraw the rejection of claims 1, 13, 20, 23, and 29 .
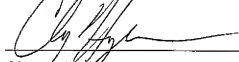
Dependent Claims 2-12, 14-19, 21-22, 24-28, 30-31

[0025] These claims ultimately depend upon independent claims 1, 13, 20, 23, 29. As discussed above, claims 1, 13, 20, 23, 29 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

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Conclusion

[0026]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Clay D. Hagler
Lee & Hayes, PLLC
Representatives for Applicant

Dated: 09/28/2008

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